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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Security Council
Fifty-fifth year

Letter dated 4 October 2000 from the Permanent Representative of Burundi to the United Nations addressed to the Secretary-General

I have the honour to attach herewith the report of the Subregional Conference on the Question of Refugees and Displaced Persons in Central Africa, held in Bujumbura, Burundi, from 14 to 16 August 2000 and organized by the United Nations Standing Advisory Committee on Security Questions in Central Africa (see annex).

The conclusions of this meeting will no doubt help the States concerned to understand the crucial problem of internally displaced persons, who number in the millions in this region, and find short- and long-term solutions to this problem.

This contribution and the continued attention given to the issue will help to relieve the States of the Central African subregion, already beset by war and poverty.

I should be grateful if you would have the report circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

00-68255 (E) 191000 261000

Annex to the letter dated 4 October 2000 from the Permanent Representative of Burundi to the United Nations addressed to the Secretary-General

United Nations Standing Advisory Committee on Security Questions in Central Africa

Report of the Subregional Conference on the Question of Refugees and Displaced Persons in Central Africa (Bujumbura, 14-16 August 2000)

I. Introduction

The Subregional Conference on the Question of Refugees and Displaced Persons in Central Africa was held in Bujumbura from 14 to 16 August 2000, under the auspices of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

The Conference was held in response to the concerns expressed at previous meetings of the Advisory Committee about the vast expansion in recent years of massive movements of refugees and displaced persons in Central Africa and their impact on both the populations concerned and the host countries or regions.

Since its establishment in 1992 by the United Nations Secretary-General pursuant to General Assembly resolution 46/37 B of 6 December 1991, the Committee has seen itself as a tool of preventive diplomacy in the effort to ward off conflict within and among the member States, inter alia by addressing issues that are likely to threaten the peace, stability and development of the countries of the subregion and by devising appropriate measures to deal with them.

At their twelfth meeting, held in N'Djamena from 26 to 30 October 1999, the ministers of the countries members of the Committee expressed grave concern about the security problems created in the subregion by the massive influx of refugees and armed elements coming from other countries. They advocated increased bilateral contacts in order to lessen the tension aroused by this situation and requested the Bureau to take the initiatives needed for the holding of a subregional conference on the matter during the fourteenth ministerial meeting.

The following countries took part in the Conference: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Gabon and Equatorial Guinea. Rwanda and Sao Tome and Principe did not attend.

The Conference, which brought together high-level government officials, senior officers of the armed forces and representatives of civil society, offered an opportunity for an in-depth, open and direct exchange of views among them on the extent, manifestations and consequences of the phenomenon of refugees and displaced persons in Central Africa and on national and subregional steps to be taken to deal with it.

The participants' analysis and discussions of these sensitive issues were enriched by presentations given by experts who had been called upon by the Committee secretariat because of their competence and expertise on the issues. They included, inter alia:

Ms. Rebecca Quionie Oba-Omoali, magistrate and Director for Human Rights, Ministry of Justice, Republic of the Congo;

Mr. François-Xavier Doudou Kiadila, principal legal adviser for Central and West Africa, Office of the United Nations High Commissioner for Refugees, Geneva;

Ms. Fatima Banzani-Mollet, attorney, Republic of the Congo;

Mr. Abraham Constant Ndinga Mbo, professor of history, Republic of the Congo;

Mr. Roger Mengue Ekomie, legal adviser to the Minister of the Interior, Gabon.

The secretariat of the conference comprised Ms. Pamela Mapongo, Secretary of the United Nations Standing Advisory Committee on Security Questions in Central Africa, assisted by Ms. Nicole Moran and Mr. Ferdinand Ngoh Ngoh.

The opening ceremony was presided over by H.E. Mr. Luc Rukingama, Minister of Communication,

Republic of Burundi, on behalf of the Minister for Foreign Affairs and Cooperation. It featured:

- A statement by Mr. Moundoum Golngar, Director of the Africa/Asia/Western Pacific Office, Ministry of Foreign Affairs of Chad, representing the Chairman of the Bureau of the Committee, H.E. Mr. Mahamat Saleh Annadif, Minister for Foreign Affairs and Cooperation, Republic of Chad;
- A message from the Secretary-General of the United Nations, read out by Mr. Georg Charpentier, United Nations Resident and Humanitarian Coordinator in Burundi;
- An address by Mr. Sylvain Ngung Etul Mpwotsh, Representative of the Secretary-General of the Organization of African Unity;
- A welcoming address by H.E. Mr. Luc Rukingama, Minister of Communication of the Republic of Burundi, on behalf of the Minister for Foreign Affairs and Cooperation;
- An opening statement by H.E. Mr. Pascal Nkurunziza, Minister for the Reintegration and Resettlement of Displaced and Repatriated Persons;

The participants drew inspiration from these statements for their discussions.

The participants decided to entrust guidance of the work of the Conference to the Bureau of the Committee.

The work of the Conference was therefore chaired by Mr. Moundoum Golngar of Chad.

Mr. Denis Mbainguebe, Director of the Air and Border Police of the Central African Republic, acted as Rapporteur General.

The work of the Conference covered the following themes:

Theme No. 1

Causes and consequences of massive displacements of persons in Central Africa

Presentation of the theme: Mr. Abraham Constant Ndinga Mbo, emeritus professor of history, Republic of the Congo

Theme No. 2

Situation of refugees and displaced persons in Central Africa (magnitude of the phenomenon, difficulties, constraints and the problems of recognition, integration and repatriation)

Presentation of the theme: Mr. François-Xavier Doudou Kiadila, principal legal adviser for Central and West Africa, Office of the United Nations High Commissioner for Refugees, Geneva

Theme No. 3

Problems specific to women and children refugees and displaced persons

Presentation of the theme: Ms. Fatima Banzani-Mollet, attorney, Republic of the Congo;

Theme No. 4

Legal and institutional framework for the protection of refugees and displaced persons (national, regional and international legislation)

Presentation of the theme: Mr. Roger Mengue Ekomie, legal adviser to the Minister of the Interior, Gabon.

Theme No. 5

Solutions to the problems of refugees and displaced persons in Central Africa (measures to be taken at the national, regional and international levels to improve the situation of refugees and displaced persons)

Presentation of the theme: Mr. François-Xavier Doudou Kiadila, principal legal adviser for Central and West Africa, Office of the United Nations High Commissioner for Refugees, Geneva

Presentation of the draft plan of action: Ms. Rebecca Quionie Oba-Omoali, Director for Human Rights, Ministry of Justice, Republic of the Congo

II. Work of the Conference

In conformity with the methodology proposed by the organizers, the Bujumbura Conference gave rise to substantial statements presented by the high-level experts, followed by dynamic and constructive exchanges among representatives of Governments, international organizations and civil society, resulting in relevant recommendations on specific measures to be taken to deal with the proliferation of refugees and displaced persons in Central Africa.

A. Under Theme No. 1, on the **causes and consequences of massive displacements of persons in Central Africa**, participants unanimously recognized the seriousness of the current situation of refugees and displaced persons, which in varying degrees affects all the countries of Central Africa. They stressed the growth in the numbers of refugees and displaced persons in the subregion in recent years.

The participants cited as the main cause of the proliferation of refugees and displaced persons in Central Africa the deadly conflicts to which the subregion has been constantly subjected.

They noted that the civil wars or inter-State confrontations that had occurred or persisted in many countries of the region, involving opposing factions, armed groups, ethnic groups, mutineers, militia, insurgent troops, rebel movements and government troops, had driven many refugees from their homes and onto the roads in quest of a safe haven. Among the causes of these conflicts the participants cited the derailment of democratic transition, political revenge, struggles for power and control over resources, post-electoral disputes, tribalism, political manipulation of ethnic groups, refusal to alternate political power, absence of a democratic culture, poor governance, lack of democratic institutions, of sensible conduct of political affairs or of social justice, and economic inequalities.

The participants noted the following additional causes of forced and massive displacement of persons in Central Africa:

- Attacks on human rights: massive and widespread human rights violations, massacres, genocide and others;
- Oppression of religious or ethnic minorities;
- Ethnic, political or religious intolerance;
- Natural disasters: drought, floods, volcanic eruptions;
- Economic causes: economic underdevelopment, destitution and poverty;
- Xenophobia and external interference.

The participants drew attention to two types of consequences of movements of refugees and displaced persons:

- Consequences suffered by refugees and displaced persons themselves, who have often lost everything (land, homes, goods, family) and generally struggle to survive in particularly difficult conditions, suffering from hunger, illness and countless privations and being subjected to all sorts of abuse and ill-treatment (rape, theft, massacres and others);
- Consequences suffered by the host countries: attacks on the stability, security and economy of the host country, increase in organized crime, armed raids, armed robbery, rape, theft, murder, destruction of local economies, shortage of social services, creation of economic and social imbalances, damage to the environment, destruction of flora and fauna, tension and conflicts with indigenous peoples, increasing insecurity, proliferation of and illicit traffic in small arms and light weapons, spread of disease, tensions or open conflicts between the host country and the country of origin, loss of control by the central authority of some parts of the national territory, political destabilization and disturbance of democratic processes.

B. Under Theme No. 2, on **the situation of refugees and displaced persons in Central Africa (magnitude of the phenomenon, difficulties, constraints and the problems of recognition, integration and repatriation)**, the participants noted that the magnitude which the phenomenon of refugees and displaced persons had reached in Central Africa in recent years was a cause of great concern for the countries of the subregion.

They drew attention to the large numbers of refugees and displaced persons in Central Africa and deplored the unavailability of reliable statistics that would give a better idea of the scope of the phenomenon.

In addressing the questions concerning recognition of refugee status, they deplored the gaps and imperfections in the existing legal framework.

They pointed out the difficulties encountered in the management of refugees and displaced persons, noting that the political difficulties consisted of a lack of will on the part of Governments to allocate the necessary resources; that the economic and financial difficulties resulted from the lack of adequate funding; and that the legal difficulties arose from deficiencies in the legal framework, in particular for displaced persons.

The participants also condemned the attitude of the combatants who denied humanitarian organizations access to refugees and sometimes attacked humanitarian personnel.

They recalled that granting asylum to refugees should be considered a humanitarian act and not an unfriendly act against the country of origin.

The participants also called for the establishment of more regular consultation with UNHCR and the joint elaboration of assistance measures for refugees.

C. Under Theme No. 3, on **problems specific to women and children refugees and displaced persons**, the participants examined the particular difficulties encountered by these vulnerable groups.

They noted that these categories, which represented the majority of refugees and displaced persons in Central Africa (about 80 per cent) faced a situation even more tragic than other refugees because of their vulnerability.

They were victims, whatever their age, of all sorts of exploitation, abuse and inhuman and degrading treatment, including various forms of physical violence, maltreatment, torture, murder; sexual violence: rape, forced prostitution; and forced conscription into combat ranks (child soldiers initiated into drug use and used as instruments of death).

The participants especially condemned the systematic rape of refugee and displaced women and children in situations of armed conflict and the forced conscription of children, which had serious physical and psychological repercussions.

Among other difficulties which refugee women and children faced, the participants mentioned malnutrition, disease, problems with daily survival (safe water supply), discrimination in the granting of humanitarian aid, and delays in schooling.

The participants believed that many of the abuses suffered by refugee and displaced women and children could be explained by the nature of the current conflicts, which are more often clashes between militias, ethnic groups or factions led by soldiers who have not received proper training and do not observe the rules of international humanitarian law.

They deplored the fact that women's organizations and other structures of civil society were seldom involved in the design of programmes of assistance and training for refugee women and children. They also expressed their concern at the lack of subregional coordination mechanisms for women's organizations that could promote the protection of women's rights in situations of armed conflict and more active participation by women in the dynamics of the settlement of conflicts.

Stressing the need for better protection of women and children in the context of the wars and conflicts in Central Africa, the participants called for a subregional conference on the protection of women and children in armed conflict and the establishment of specific reception centres in the various countries of Central Africa to provide medical and psychological care to refugee women and children.

D. Under Theme No. 4, on **a legal and institutional framework for the protection of refugees and displaced persons (national, regional and international legislation)**, the participants examined the national, regional and international legal instruments for the protection of refugees and displaced persons.

They noted the inequity between the existence of a legal framework for the protection of refugees at the national, regional and international levels and the ill-defined situation of displaced persons, where there is no such framework.

Among the legal instruments providing protection for refugees and displaced persons in Central Africa, the following were cited: the Geneva Conventions and Additional Protocols, the 1951 United Nations Convention Relating to the Status of Refugees and its Additional Protocol of 1967, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Convention Against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the African Charter of Human and People's Rights and national legislation. The 1998 Guiding Principles on Internal Displacement were also mentioned.

The participants welcomed the fact that the national legislation of the countries of the subregion included laws governing the situation of refugees and guaranteeing protection of their rights. Some national legislation also included the provisions of the relevant international legal instruments.

They were also encouraged by the accession on the part of the countries of the subregion to most of the legal instruments for the protection of refugees and urged those countries which had not yet done so to accede to, sign or ratify all the relevant legal instruments for the protection of refugees and displaced persons and to ensure their effective implementation.

The participants deplored, however, the ignorance of the international legal instruments for the protection of refugees on the part of the persons responsible for their implementation, in addition to the flagrant and repeated violations in the countries of Central Africa of the various international legal instruments for the protection of human rights and the rights of refugees. These violations were generally perpetrated by combatants, but also by Governments, even though they were parties to these instruments.

The participants also welcomed the existence in all the countries of the subregion of administrative structures for the management of refugees and displaced persons and expressed satisfaction with their efforts to come to the aid of refugees. Nevertheless, they deplored the lack of material, logistical and financial resources for those structures and appealed to the international community to provide them with more substantial support.

The participants also expressed their concern at the discrimination against certain groups of displaced persons on the basis of ethnic, political and religious considerations.

In addition, they expressed their profound concern at the imbalance between the humanitarian aid provided to refugees and that allocated to displaced persons, and they stressed that the preference given to refugees by humanitarian agencies had often resulted in tensions between refugees and the local population, not to mention displaced persons. They therefore called on humanitarian organizations, and in particular UNHCR, to show greater interest in the situation of displaced persons.

E. Under Theme No. 5, on **solutions to the problems of refugees and displaced persons in Central Africa (measures to be taken at the national, regional and international levels to improve the situation of refugees and displaced persons)**, the participants cited a number of durable solutions to resolve the problems of refugees: repatriation, integration and resettlement.

They appealed to the countries of the subregion to create conditions conducive to the return of refugees to their countries of origin. To that end, they recommended the signing of tripartite or bilateral agreements between the host country, the country of origin and UNHCR.

After examining the draft plan of action submitted during the meeting, the participants recommended a package of measures to be taken at the national and subregional level to find lasting solutions to the problems of refugees and displaced persons in Central Africa.

The following recommendations were adopted:

III. Recommendations

National measures

- Ratify and implement effectively the major international legal instruments relating to international humanitarian law, human rights and the rights of refugees;
- Adopt measures to strengthen national institutional capacity and ensure an independent administration of justice likely to guarantee the protection of human rights, peace and democracy;
- Re-establish the traditional mechanisms for preventing, managing and settling conflicts, namely, dialogue, mediation and reconciliation;
- Involve women, young people, elderly persons and members of national minorities in preventing, managing and settling conflicts;

- Adopt appropriate legislative, judicial and administrative measures to protect refugees and displaced persons on the basis of the international legal instruments relating to international humanitarian law, human rights and the rights of refugees;
- Adhere strictly to the principle of non-refoulement, as embodied in the United Nations Convention Relating to the Status of Refugees of 28 July 1951, and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969;
- Formulate policies to grant asylum to refugees in accordance with the age-old tradition of African hospitality;
- Give women a more important role in the planning and implementation of programmes relating to security in Central Africa;
- Establish, in consultation with UNHCR, appropriate mechanisms for countering the presence of armed elements and other combatants in the refugee camps, including their disarmament and demobilization, in order to preserve the civilian and humanitarian character of the camps;
- Situate refugee camps at a reasonable distance from the frontier of their country of origin, pursuant to the OAU Convention of 10 September 1969;
- Develop, in collaboration with civil society, programmes to assist and protect refugees and displaced persons;
- Strengthen and apply laws against rape and other forms of violence against women;
- Conduct awareness-raising and training campaigns on the law applicable in time of war and the rights of women and children;
- Develop appropriate policies on the resettlement of refugees;
- Promote the right of refugees and displaced persons to return to their countries of origin or their areas of habitual residence by creating conditions conducive to their repatriation;
- Encourage the local integration or rehabilitation of refugees and displaced persons through specific programmes;
- Carry out non-discriminatory integration or reintegration efforts on behalf of all persons affected by armed conflicts;
- Formulate reintegration and rehabilitation programmes comprising activities designed to promote democracy, national reconciliation, social justice, human rights and humanitarian law;
- Request support from the international community to enable the host State to ensure the rehabilitation or reintegration of refugees and displaced persons;
- Disseminate and implement the Guiding Principles on Internal Displacement;
- Mitigate and prevent the negative effects resulting from the presence of refugees by making a better choice of camp locations;
- Request assistance from the international community for the reclamation of areas destroyed by the indirect results of the existence of refugees;
- Organize specific training for soldiers in international humanitarian law, including the specific problems of refugees and displaced persons;
- Adopt the measures required to ensure transparent cooperation between the national authorities of the host countries and UNHCR;
- Promote confidence between the national authorities of the host countries and those of the countries of origin with a view to a similar understanding of the right of asylum;
- Strengthen the strict observance of article 3 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa of 18 September 1969, whereby the asylum countries undertake to prohibit refugees residing in their territories from carrying out subversive activities likely to cause tension between them and the countries of origin;
- Establish a national committee to follow up the outcome of this Conference whose role will be, inter alia, to formulate a programme of assistance, protection and promotion of the rights of refugees and displaced persons.

Subregional and regional measures

- Develop subregional cooperation to foster the promotion and observance of democracy and the rule of law through symposia, meetings, seminars, and so on;
- Speed up the procedure for ratifying the documents establishing the Council for Peace and Security in Central Africa (COPAX);
- Comply with the 1954 United Nations Convention Relating to the Status of Stateless Persons and the 1961 United Nations Convention on the Reduction of Statelessness;
- Establish within the Central African Multinational Force (FOMAC) a special unit composed mainly of women who are responsible for protecting vulnerable groups (women, children, elderly persons, and so on) in armed conflicts;
- Establish, under the auspices of subregional organizations or OAU, ad hoc tripartite commissions, composed of representatives of the country or countries of origin, the country or countries of asylum and UNHCR, with a view to more effectively managing and settling disputes relating to refugees;
- Ensure wide dissemination, in the working languages of OAU, of the international legal instruments relating to the protection of refugees, particularly the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- Organize training seminar-workshops on assisting and protecting refugees and displaced persons for members of civil society working in the humanitarian field;
- Establish women's groups and associations with the support of the Advisory Committee;
- Establish throughout Central Africa a network of women working for peace and security on the model of the Economic Community of West African States (ECOWAS);
- Organize, in collaboration with UNHCR and all other relevant humanitarian organizations, subregional training seminar-workshops for Governments and members of civil society working in the humanitarian field;
- Conduct, at the national and subregional levels, an awareness-raising campaign among refugee women concerning their fundamental rights and those of their children;
- Adopt appropriate measures to ensure the safety of humanitarian personnel and facilitate their unconditional and unimpeded access to refugees and other persons in need of assistance, including the definition of a framework of action for humanitarian organizations;
- Provide, within the Central African early warning mechanism, for the prevention and monitoring of the humanitarian situation inherent in the crises and conflicts in the subregion.

Lastly, the participants welcomed the favourable climate that had prevailed throughout their deliberations and expressed their appreciation to the President of the Republic of Burundi, H.E. Mr. Pierre Buyoya, and to the Burundian Government and people for the warm welcome and the fraternal attentions addressed to them during their stay in Burundi.

Bujumbura, 16 August 2000